

United States District Court

SOUTHERN

DISTRICT OF
JACKSON DIVISION

MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

OMAR DENISS GONZALEZ-VALENTE

CASE NUMBER: 3:08 mj 156-LRA

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 6, 2008 in Rankin County, in the SOUTHERN District of MISSISSIPPI Defendant was, (Track Statutory Language of Offense)

at the time, an alien who was found within the United States having been previously deported from the United States and having reentered without obtaining the permission of the Attorney General of the United States

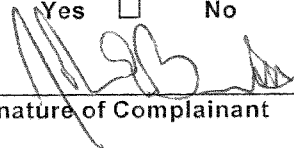
in violation of Title 8 United States Code, Section (s) 1326(a)

I further state that I am a(n) Special Agent, U.S. Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

June 23, 2008
Date

at Jackson, Mississippi
City and State

Linda R. Anderson, United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, John E Brown III, being duly sworn, hereby depose and state that:

I am a Special Agent (SA) with U.S. Immigration & Customs Enforcement (ICE), having been appointed in August 2007. I have been employed in this capacity for over ten (10) months. Prior to this appointment, I served approximately four (4) years as a Canine Enforcement Officer, with U. S. Customs and Border Protection, Department of Homeland Security.

I am currently assigned to ICE Office of Investigations, Resident Agent in Charge, Jackson, Mississippi (RAC Jackson). I am statutorily empowered to investigate violations of criminal law relating to unlawful entry, employment, and physical presence of illegal aliens in the United States, specifically including the Immigration and Nationality Act, Title 8 of the United States Code and Title 8 of the Code of Federal Regulations.

I am further authorized to conduct investigations and inquiries with the purpose of determining alienage and removability as it relates to the Immigration and Nationality Act and related statutes and persons unlawfully in the United States.

The information contained in this affidavit is from my own investigation, information obtained by ICE SA Hernan Chirinos and information contained in databases maintained by the FBI and ICE.

On May 16, 2008, your affiant received a telephone call from Danielle Johnson. Johnson explained that OMAR DENISS GONZALEZ-VALENTE, with whom Johnson had a child, was an illegal alien living in the Pearl, Mississippi, area. Johnson further explained that she was estranged from GONZALEZ-VALENTE and he had been harassing her and making threats against her and their daughter. Johnson stated that she had last encountered GONZALEZ-VALENTE a few days earlier at the Southern Gardens Trailer Park, 3535 Highway 80 East, Pearl, Mississippi. Johnson was advised to contact local police if she encountered GONZALEZ-VALENTE again and believed she was in any danger from him.

ICE SAs Brown and Chirinos conducted records checks in various electronic databases on GONZALEZ-VALENTE, using his name and date of birth as provided by Johnson. It was determined that GONZALEZ-VALENTE was a citizen and national of Mexico and had been previously removed/deported from the United States on three occasions. SA BROWN contacted Pearl Police Detective Archie Bennett and explained that GONZALEZ-VALENTE was an illegal alien who had been previously removed/deported from the United States and was now back in the Pearl, Mississippi, area. SA Brown advised Detective Bennett to contact ICE if GONZALEZ-VALENTE were encountered by Pearl Police Officers so that GONZALEZ-VALENTE could be taken into custody by ICE.

On June 6, 2008, Pearl Police Department received information via a 911 call that GONZALEZ-VALENTE was in the area of the Southern Gardens Trailer Park, traveling in a green Nissan Xterra. The Pearl Police Department Dispatcher broadcast the description of GONZALEZ-VALENTE's vehicle, and officers responded to the area. Shortly thereafter, an officer with the Pearl Police Department located the above-described vehicle, conducted a traffic stop, and determined that GONZALEZ-VALENTE was in fact a passenger in the vehicle.

ICE RAC Jackson was notified immediately upon the discovery of GONZALEZ-VALENTE, and ICE Agent Christopher Purdy responded to the scene. GONZALEZ-VALENTE was taken into custody as an illegal alien and transported to the ICE office in Pearl, Mississippi.

A query of Initial National Crime Information Center (NCIC) and Integrated Automated Fingerprint Identification System (IAFIS) database confirmed that GONZALEZ-VALENTE was a citizen and national of Mexico, having been previously removed/deported from the United States on three separate occasions. Most recently, GONZALEZ-VALENTE had been administratively arrested by ICE in September 2006 following GONZALEZ-VALENTE'S conviction for a second DUI offense in Pearl, Mississippi. ICE agents took custody of GONZALEZ-VALENTE and his prior Order of Removal was reinstated. ICE records indicate GONZALEZ-VALENTE was removed by ICE at Brownsville, Texas, on December 5, 2006.

On Monday, June 9, 2008, GONZALEZ-VALENTE was administratively processed and served with a Form I-871 Notice of Intent/Decision to Reinstate Prior Order (of removal from the United States). GONZALEZ-VALENTE was turned over to the ICE Office of Detention and Removal Operations for appropriate removal.

There is no information available in ICE records and databases indicating GONZALEZ-VALENTE attempted to obtain authorization to re-enter the United States legally or otherwise has sought permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission.

Based upon the preceding facts, there is probable cause to believe that OMAR DENISS GONZALEZ-VALENTE is an alien who was found in the United States after having

been previously removed from the United States and having re-entered the United States without obtaining the permission of the Attorney General of the United States, in violation of Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien).



John E. Brown III
Special Agent
Immigration and Customs Enforcement

SWORN TO AND SUBSCRIBED before me on this 23rd day of June 2008.



LINDA R. ANDERSON
UNITED STATES MAGISTRATE JUDGE